

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JAMES T. LITTLE,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-05080

PRIME CARE MEDICAL INC., et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff James T. Little's *pro se* Complaint filed under 42 U.S.C. § 1983 [ECF 1]. By Standing Order entered September 2, 2010 and filed in this case on September 5, 2012, this action was referred to former United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation ("PF&R"). Referral of this action was later transferred to United States Magistrate Judge Dwane L. Tinsley. Magistrate Judge Tinsley filed his PF&R [ECF 15] on June 14, 2013, recommending dismissal of Plaintiff's Complaint for failure to state a claim upon which relief may be granted.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need

not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were due on July 1, 2013. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 15], **DISMISSES** Plaintiff’s Complaint [ECF 1], and **DIRECTS** the Clerk to remove this case from Court’s active docket. As recommended by Magistrate Judge Tinsley, the Court also **DENIES** Plaintiff’s Application to Proceed without Prepayment of Fees and Costs [ECF 12].

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 17, 2013



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE